

REMARKS

Claims 1-29 are currently pending in this application. By this Amendment, claims 1 and 21 have been amended. The amended claim set is provided herewith.

The specification has been amended herein to include inadvertently omitted subject matter that was included in the original claims. Support for the amendment to the specification can be found at least in original claim 15.

Support for the amendments to claims 1 and 21 can be found at least at paragraph 0027 of US 2205/0223649 (publication of Applicant's specification).

Applicant respectfully requests that the rejections be reconsidered in light of the amendments and remarks made herein.

Objection to the Specification

The Office Action has objected to the specification as failing to provide proper antecedent basis for the claimed subject matter. Specifically, the Office Action asserts that claim 15, which defines a height as "at least 0.5 mm" creates a discrepancy with the specification. Although the Applicant does not necessarily agree that there is a discrepancy, the subject matter of claim 15 has been added into the specification. Applicant asserts that the claims as originally filed are part of the specification, and therefore, the amendment to the specification does not add new matter. Applicant therefore respectfully requests that this rejection be withdrawn.

§ 103 Rejection of the Claims

Claims 1-18, 21-24 and 28-29 have been rejected under 35 U.S.C. § 103 by Braun, U.S. Patent No. 5,753,343, in view of Lux, U.S. Patent No. 5,928,070. Applicant respectfully traverses this rejection.

Although Applicant does not necessarily concede the correctness of this rejection, claims 1 and 21 have been amended herein to specify that the peaks and valleys are present as a rectilinear grid. Although the rejection of the amended claims has not been specifically raised herein, Applicant will address it herein.

Braun does not disclose a nonwoven substrate having peaks and valleys that are present as a rectilinear grid, but instead all of the embodiments of Braun are ones in which any one peak and any one valley extends throughout the entire surface of the substrate. One of skill in the art

would not have been motivated to modify Braun to use peaks and valleys that are present as a rectilinear grid because there is no suggestion of other patterns in Braun. Furthermore, the materials of Braun are utilized for face masks and thermal insulation in apparel, whereas Applicant envisioned the use of the article as an abrading surface. One of skill in the art, looking for materials for face masks and thermal insulation would not have been motivated to modify the structure of Braun to utilize peaks and valleys that are present as a rectilinear grid. Furthermore, the methods used in Braun to create the peaks and valleys in the substrate would not suggest that such a pattern could be created. Because Braun, or the combination of the cited references fail to disclose or suggest peaks and valleys that are present as a rectilinear grid; and fail to motivate one of skill in the art to make such a modification, Applicant respectfully requests that this rejection be withdrawn in light of the amendments to claims 1 and 21 and the comments offered herein.

Applicant also asserts that there may be other reasons why independent claims 1 and 21 are not obvious over Braun in view of Lux; and independent reasons why dependent claims 2-20 and 22-25, 28, and 29 are not obvious. Applicant does not necessarily concede any such arguments by not having presented them herein.

Claim 19 is rejected under 35 U.S.C. § 103 by Braun, U.S. Patent No. 5,753,343, in view of Lux, U.S. Patent No. 5,928,070 as applied to claim 1 above and further in view of Nollen et al., U.S. Patent No. 4,888,091. Claim 20 is rejected under 35 U.S.C. § 103 by Braun, U.S. Patent No. 5,753,343, in view of Lux, U.S. Patent No. 5,928,070 and Nollen et al., U.S. Patent No. 4,888,091 as applied to claim 19 above and further in view of Braunschweig et al., U.S. Patent No. 6,197,076. Claim 25 is rejected under 35 U.S.C. § 103 by Braun, U.S. Patent No. 5,753,343, in view of Lux, U.S. Patent No. 5,928,070 as applied to claim 24 above and further in view of King, U.S. Patent No. 5,626,639. Applicant respectfully traverses these rejections.

Applicant reiterates the comments offered above and respectfully asserts that Nollen, Braunschweig, and King fail to remedy the shortcomings of Braun and Lux noted above. Applicant therefore respectfully requests that these rejections be withdrawn.

Conclusion

Applicant also notes that there may be other arguments which were not presented herein, and Applicant does not concede those arguments by not having presented them herein. Applicant also does not necessarily agree with the correctness of statements made in the Office Action that were not rebutted herein.

In view of the foregoing amendments, Applicants respectfully request reconsideration and allowance of the claims as all rejections have been overcome. Early notice of allowability is kindly requested.

The Examiner is respectfully requested to contact the undersigned by telephone at 651.259.6702 or by E-mail at anelson@cnwiplaw.com with any questions or comments.

Please grant any extension of time, if necessary for entry of this paper, and charge any fee due for such extension or any other fee required in connection with this paper to Deposit Account No. 50-3964.

Respectfully submitted,

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/Anna M. Nelson/
Anna M. Nelson, Ph.D.
Registration No. 48935
CAMPBELL NELSON WHIPPS, LLC
Historic Hamm Building
408 St. Peter Street, Suite 240
St. Paul, Minnesota 55102
651.259.6702